IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re application of:

Dane K. FISHER et al.

Appln. No.: 09/540,235

Filed:

April 3, 2000

Title:

Examiner:

Michael L. Borin

Atty. Dkt. No.: 16517.276

Appeal No.:

2004-1275

Nucleic Acid Sequences from Cyanidium Caldarium and Uses Thereof

Waiver of Hearing

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

A hearing before the Board of Patent Appeals and Interferences ("Board") was requested on September 15, 2003, in the above-identified application. Applicants hereby waive attendance at this hearing, and respectfully request that the Board make its decision based on the record.

Respectfully submitted,

Date:

July 22, 2004

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I hereby certify that the foregoing Waiver of Hearing is being facsimile transmitted to the attention of the Board of Patent Appeals and Interferences, via facsimile number (703) 308-6200, and to the U.S. Patent and Trademark Office. central facsimile number (703) 872-9306.

Thomas E. Holsten (Reg. No. 46,098)

July 22, 2004

Date